

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 08-00261-01-CR-W-ODS
JAMES N. CARTER,)
)
Defendant.)

REPORT AND RECOMMENDATION

On October 6, 2008, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a judicial determination of Defendant's mental competency (Doc. No. 19). Defendant was examined by Shawn Channell, Ph.D., who prepared a report dated March 25, 2009.

On May 11, 2009, I held a competency hearing. Defendant was present, represented by appointed counsel Larry Pace. The government was represented by Assistant United States Attorney Christina Tabor. During the hearing, both parties stipulated to the contents and findings of Dr. Channell's report (Tr. at 2). No additional evidence was offered by either party (Tr. at 3). The parties also waived the ten-day objection period to the Report and Recommendation (Tr. at 3).

Based upon the uncontested evidence stipulated to by the parties in this case, I find that Defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant competent to stand trial and to assist in his defense.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
May 14, 2009